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A compulsory compensation law applicable to hazardous occupations and based on the loss of earning power is not contrary to the "due process" clause. *N. Y. C. R. R. Co. v. White*, 243 U. S. 188. Where there has been no provision in the act, authorizing an award for disfigurement, the injured employee has been allowed to recover damages in an action at law. *Boyer v. Crescent Paper Box Co.*, 143 La. 368 (loss of scalp); *Shinnick v. Clover Farms Co.*, 169 N. Y. App. Div. 236 (part of ear bitten off by horse). Under statutes containing "disfigurement" clauses, separate awards are allowed for disability and disfigurement. *Stevenson v. Illinois Watch Co.*, 186 Ill. App. 418. In Great Britain the phrase "incapacity to work" in the statute is construed to include disfigurement. *Ball v. Hunt & Sons, Ltd.* (1912) A. C. 496. The court said, "The recent accident (loss of an eye already blind) has destroyed his market, though it has left his physical ability to work what it was before." *Lord Atkinson in Ball v. Hunt & Sons, Ltd., supra*. This reasoning coincides with the argument of the court in the principal case, i. e., that it would be of little avail to the injured workman that he was as skillful after the accident as before, if the result of his disfigurement was to prevent his obtaining or keeping his employment. For discussion of general question involved see 13 MICH. L. REV. 683; 25 HARV. L. REV. 129-139; 26 YALE L. JOUR. 618; 34 L. R. A. (N. S.) 162; L. R. A. 1916A 409, 1917D 51. For disfigurement question see note 16 N. C. C. A. 481.

CRIMINAL LAW—INTENT.—The defendants published pamphlets calling upon workers in ammunition factories to "strike," to "unite for action," to "keep the armies of the allied countries busy at home." They were indicted under the Espionage Act (Sec. 3, Title 1, Act of June 15, 1917, amended May 16, 1918), on counts, among others, of conspiracy to encourage resistance to the United States in the war with Germany and to incite curtailment of production of things necessary to the prosecution of that war. *Held*, there was sufficient evidence to support the verdict of guilty. *Abrams v. United States*, 40 Sup. Ct. Rep. 17.

The expressed purpose of the pamphlets was to create opposition to, and interference with, the fighting against Soviet Russia, not to encourage nor assist German militarism. Production of ammunition was decried not because it was used against Germany, but because it was used against Russia as well. Mr. Justice Holmes, with whom concurred Mr. Justice Brandeis, dissented from the majority holding, on the proposition that the defendants had not the specific intent required by the statute. The natural effect of the pamphlets, he agreed, would be to curtail production of things necessary to the war with Germany and, perhaps, to cause resistance to that war, and the defendants might be presumed to know that such would be the result. He further agreed that ordinarily such knowledge of the natural consequences would be construed as a sufficient intent to produce them, whatever might be the primary motive. But, he contended, this effect on the war with Germany was not the motivating idea of the defendants; it was not their primary intention—that being only to weaken the allied ability to fight against Russia. This might be disputed, but as the majority opinion nowhere contra-

dicts it, but carefully refers only to our war plans "in Europe," it may be inferred that the court was agreed on that point. The disagreement is as to the intent required by the statute. The minority opinion asserts that it required a *primary* and motivating intent to affect the war with *Germany*; the majority assumed that only a subordinate, or constructive, intent to accomplish that end was required. *Debs v. U. S.*, 39 Sup. Ct. Rep. 252, in which Justice Holmes himself delivered the convincing opinion, is perhaps distinguishable on the ground that, while Debs' purpose to obstruct the draft was but incidental to his object of eliminating all war, yet it was a deliberately intended effect, rather than a mere recognized consequence. No authority is cited for either opinion, and as the issue is one of legislative intent, it is obvious that precedent would not be pertinent. An analogy, however, to the dissenting conclusion is found in *Rex v. Williams*, 1 Leach 529. There the defendant was indicted under a statute prohibiting the cutting, defacing, etc., of wearing-apparel. The evidence showed that the defendant had intended primarily to wound the person of the wearer, although he must have known that in so doing he would cut the clothing of the person. The court held, in view of the particular circumstances under which the statute was passed that a primary intent to deface the clothing was requisite, and dismissed the indictment. Somewhat analogous also are *People v. Cotteral*, 18 Johns. (N. Y.) 115 and *Delaney v. State*, 41 Tex. 601. On the other hand, in *Reg. v. Pembilton*, 12 Cox C. C. 607, a statute was interpreted, as *dictum*, not to require a primary intent to do the particular wrong prohibited. It is well known that some statutes, as interpreted by the courts require no specific intent to break the law at all. *Com. v. Boynton*, 2 Allen (Mass.) 160; *Harper v. State*, 91 Ark. 422. Under the interpretation given the statute by the majority, those who incited the present coal strike would be liable to 20 years imprisonment, were we still "prosecuting the war" with Germany.

DAMAGES—MEDICAL EXPENSES—FUNERAL EXPENSES.—In an action by an administrator suing for the death of the intestate caused by the wrongful act of the defendant it was *held* that he may recover the medical expenses necessitated by the injuries, but he cannot recover the funeral expenses, the loss to the estate by reason of that expenditure having been prematurely forced on it being the true measure of damages. *Brady v. Haw* (Ia., 1919), 174 N. W. 331.

The question whether medical and funeral expenses may be recovered by an administrator suing under the Death Act has often come before the courts and the cases are not in harmony on this point. Since the damages are based solely on the loss due to the death it would seem to follow on principle that medical expenses, being caused not by the death but by the injury should not be recoverable under the Death Act. *Boulter v. Webster*, 11 L. T. Rep. (N. S.) 598. It has frequently been held in this country, however, that recovery may be had for medical expenses in actions by a parent as administrator for the death of a minor child. *Rains v. St. Louis Railway*, 71 Mo. 164. As to funeral expenses the courts are divided depending on the court's interpretation of the damage clause of the Death Act. The question seems